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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/668,409

09/23/2003

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EXAMINER

FIELDS, BENJAMIN S

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/668,409	Applicant(s) ROLF, DEVON A.	
	Examiner BENJAMIN S. FIELDS	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 8: Applicant makes a reference to "said service". The Examiner notes that Claim 8 is directed to a satellite communications service, Claim 3 is directed to a transaction processing service, and lastly, Claim 2 is directed towards a communication service.

As to which "said service" Applicant is referring to in Claim 8 is not clearly understood and is/can be misconstrued/interpreted.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Early et al. (US PG Pub. No. 2003/0004868), [hereinafter Early].

Referring to Claim 1: Early shows a method for electronically processing a commercial transaction, the method comprising: determining whether a monetary amount associated with the transaction meets a selected threshold amount (Early: Abstract); when said monetary amount associated with the transaction does not meet said selected threshold amount, utilizing a first account for settling the transaction (Early: Abstract; Figures 1-4; Page 1, Paragraphs 0009-0010); and when the monetary amount associated with the transaction does meet the selected threshold amount, utilizing a second account for settling the transaction (Early: Abstract; Figures 1-4; Page 1, Paragraphs 0009-0010).

Referring to Claim 2: Early discusses a method, wherein said first account is an account associated with a communications service (Early: Page 2, Paragraphs 0023-0027//Early shows a method and system for managing accounts with adjustable credit limiting where communication services are entailed – a communication device without any corresponding communication service is impossible//).

Referring to Claim 3: Early teaches a method, wherein said second account is an account associated with a transaction processing service (Early: Page 1, Paragraph 19-Page 2, Paragraph 0027).

Referring to Claim 4: Early discloses a method, wherein said second account is selected from the group consisting of a VISA account, a Master Card account, an American Express account, and a Discover account (Early: Abstract; Page 1, Paragraph

0019-Page 3, Paragraph 0033//Early teaches a method and system for managing accounts with adjustable credit limiting where credit cards are used – any of such accounts could be from the group mentioned herein//).

Referring to Claim 5: Early shows a method, wherein said communications service is a wireless communications service (Early: Page 2, Paragraphs 0023-0027//Early shows a method and system for managing accounts with adjustable credit limiting where communication services are entailed – communication devices without any corresponding communications service is impossible//).

Referring to Claim 6: Early teaches a method, wherein said communications service is a telecommunications service (Early: Page 2, Paragraphs 0023-0027//Early shows a method and system for managing accounts with adjustable credit limiting where communication services are entailed – communication services and telecommunication services are parallel systems//).

Referring to Claim 7: Early teaches a method, wherein said communications service is a broad band communications service (Early: Page 2, Paragraphs 0023-0027//Early shows a method and system for managing accounts with adjustable credit limiting where communication services are entailed – broad band communication is a form of telecommunication service and is a parallel system//).

Referring to Claim 8: Early discusses a method, wherein said service is a satellite communications service (Early: Page 2, Paragraphs 0023-0027//Early shows a method and system for managing accounts with adjustable credit limiting where

communication services are entailed – satellite communication is a form of telecommunication service and is a parallel system//).

Referring to Claim 9: Early shows a method, wherein said communications service is a cable communications service (Early: Page 2, Paragraphs 0023-0027//Early shows a method and system for managing accounts with adjustable credit limiting where communication services are entailed – cable communication is a form of telecommunication service and is a parallel system//).

Referring to Claim 10: Early discusses a method, wherein said first account is associated with a media service (Early: Page 2, Paragraphs 0023-0027//Early shows a method and system for managing accounts with adjustable credit limiting where communication services are entailed – media [i.e. television, cable, etc.] is a form of telecommunication service and is a parallel system//).

Referring to Claim 11: Early shows a method, wherein said transaction is initiated with a communications device associated with said first account .

Referring to Claim 12: Early discloses a method, wherein said communications device is a wireless communications device (Early: Page 2, Paragraphs 0023-0027).

Referring to Claim 13: Early teaches a method, wherein said communications device is an interactive television (Early: Page 2, Paragraphs 0023-0027//Early shows a method and system for managing accounts with adjustable credit limiting where communication services are entailed – television [i.e. media, cable, etc.] is a form of telecommunication service and is a parallel system//).

Referring to Claim 14: Early discusses a method, wherein said communications device is a telephone (Early: Page 2, Paragraphs 0023-0027).

Referring to Claim 15: Early shows a method, wherein said telephone operates on an Internet [IP] protocol (Early: Page 2, Paragraphs 0023-0027//Early shows a method and system for managing accounts with adjustable credit limiting where telecommunication services are entailed – internet protocol's are widely and vastly used in order to accomplish communication services//).

Referring to Claim 16: Early teaches a method, wherein said communications device is a personal computing device (Early: Page 2, Paragraphs 0021-0027//Early shows a method and system for managing accounts with adjustable credit limiting where communication services are entailed – personal and public communication service devices are utilized//).

Referring to Claim 17: Early discusses a method, wherein said transaction is guaranteed by a guarantor (Early: Abstract; Page 1, Paragraph 0019-Page 3, Paragraph 0033//Early teaches a method and system for managing accounts with adjustable credit limiting where credit cards are used – such credit accounts are usually backed by guarantors//).

Referring to Claim 18: Early shows a method, wherein said guarantor comprises at least one organization which provides communications or electronic media services (Early: Abstract; Page 1, Paragraph 0019-Page 3, Paragraph 0033//Early teaches a method and system for managing accounts with adjustable credit limiting where credit

cards are used – such credit account organizations are usually affiliated with communication and/or media services//).

Referring to Claim 19: Early discloses a method, wherein said guarantor comprises a plurality of organizations which provide communications or media services (Early: Abstract; Page 1, Paragraph 0019-Page 3, Paragraph 0033//Early teaches a method and system for managing accounts with adjustable credit limiting where credit cards are used – such credit account organizations are usually affiliated with communication and/or media services//).

Referring to Claim 20: Early teaches a method, wherein said guarantor further comprises at least one organization which provides banking services (Early: Abstract; Page 1, Paragraph 0019-Page 3, Paragraph 0033//Early teaches a method and system for managing accounts with adjustable credit limiting where credit cards are used – such credit account organizations must be affiliated with banking services in order to handle bill payments, debits, etc//).

Referring to Claim 21: Early shows a method, wherein said guarantor comprises at least one organization which provides payment processing services (Early: Abstract; Page 1, Paragraph 0019-Page 3, Paragraph 0033//Early teaches a method and system for managing accounts with adjustable credit limiting where credit cards are used – such credit account organizations must be affiliated with services which handle payment processing, etc//).

Referring to Claim 22: Claim 22 parallels the limitations of Claim 1. As such, Claim 22 is rejected under the same basis as is Claim 1 as mentioned supra.



Referring to Claim 23: Claim 23 reflects the limitations of Claim 2. As such, Claim 23 is rejected under the same basis as is Claim 2 as mentioned supra.

Referring to Claim 24: Claim 24 parallels the limitations of Claim 10. As such, Claim 24 is rejected under the same basis as is Claim 10 as mentioned supra.

Referring to Claim 25: Claim 25 reflects the limitations of Claim 11. As such, Claim 25 is rejected under the same basis as is Claim 11 as mentioned supra.

Referring to Claim 26: Claim 26 parallels the limitations of Claim 17. As such, Claim 26 is rejected under the same basis as is Claim 17 as mentioned supra.

Referring to Claim 27: Claim 27 reflects the limitations of Claim 1. As such, Claim 27 is rejected under the same basis as is Claim 1 as mentioned supra.

Referring to Claim 28: Claim 28 parallels the limitations of Claim 2 and Claim 10. As such, Claim 28 is rejected under the same basis as are Claims 2 and 10 as mentioned supra.

Referring to Claim 29: Claim 29 reflects the limitations of Claim 3. As such, Claim 29 is rejected under the same basis as is Claim 3 as mentioned supra.

Referring to Claim 30: Claim 30 parallels the limitations of Claim 20. As such, Claim 30 is rejected under the same basis as is Claim 20 as mentioned supra.

Referring to Claim 31: Early discloses a method, wherein said first and second accounts are selectable by a user (Early: Figures 1-4).

Referring to Claim 32: Early teaches a method, wherein a selection by a user of said first and second accounts made on a user interface on a communications device

associated with said communications or media service (Early: Page 2, Paragraphs 0023-0028).

Referring to Claim 33: Early shows a method, wherein said selection results in a default to said account until changed (Early: Abstract; Figures 1-4; Page 2, Paragraphs 0023-0028//Early discusses a method and system where, until changes are made via an input, a 'default' setting is intact//).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dunn et al. (US PG Pub. No. US 2004/0039694) teach a system and method for facilitating a subsidiary card account with controlled spending capability.

Fleischl et al. (US Pat. No. 6,038,552) discuss a method and apparatus to process combined credit and debit card transactions.

Whewell et al. (US PG Pub. No. 2005/0033691) show an invoicing system and method featuring variable rate depending on amount of service consumed during service interval.

Whewell et al. (US PG Pub. No. 2005/0037731) disclose cellular telephone billing methods.


Art Unit: 3692

Any inquiry concerning this communication should be directed to BENJAMIN S. FIELDS at telephone number 571.272.9734. The examiner can normally be reached MONDAY through THURSDAY, 9AM to 7PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached at (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields

17 January 2008

  
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PRIMARY EXAMINER  
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